



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUNCO GROUP INC., :

Plaintiff, :

-against- :

EARTH BIOFUELS, INC., :

Defendant. :

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07 Civ. 4776 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

It having been reported to this Court that this action has been or will be settled, it is hereby ordered that this action be discontinued without costs to any party, and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made within thirty (30) days of the date of this Order. The Clerk of the Court is directed to mark this case closed.

Dated: July 23, 2008
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Counsel of Record:

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